

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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UNITED STATES OF AMERICA

v.

NYSHIEM SPENCER

**Order of Restitution**

S3 20 Cr. 78 (AT)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Andrew K. Chan, Emily A. Johnson, and Justin V. Rodriguez, Assistant United States Attorneys, of counsel; the presentence investigation report; the defendant's conviction on Count One of the Information; and all other proceedings in this case, it is hereby ORDERED that:

**1. Amount of Restitution**

NYSHIEM SPENCER, the defendant, shall pay restitution in the total amount of \$ 12,000 pursuant to 18 U.S.C. § 3663 and 18 U.S.C. § 3663A, to Edwin Vargas, a victim of the offense charged in Count One (the "Victim"). The United States Attorney's Office to the Clerk of Court will provide the address of the Victim to the Clerk of Court. Upon advice by the United States Attorney's Office of a change of address of the Victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

Restitution is not joint and several with other defendants or with others not named herein.

**2. Schedule of Payments**

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant;

including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). While serving the term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Any unpaid amount remaining upon release from prison will be paid in instalhnents of not less than \$100 on the first day of each month. Interest shall not accrue on the principal owed by the Defendant or on any monetary payment required by this order.

This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

### **3. Payment Instructions**

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his name and the docket number of this case on each check or money order.

### **4. Change in Circumstances**

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

**5. Term of Liability**

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

SO ORDERED.

Dated: February 20, 2024  
New York, New York

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ANALISA TORRES  
United States District Judge